

(a) Purpose.--The purpose of this section is to secure reciprocal advantages for the citizens, ports, and vessels of the United States.

(b) General Authority.--When the President is satisfied that vessels of the United States, or passengers or cargo being transported to a port of the United States, are prohibited from passing through a canal or lock connected with the navigation of the Saint Lawrence River, the Great Lakes, or their connecting waterways, or burdened in that passage by tolls or other means that are unreasonable in view of the free passage through the Saint Marys Falls Canal allowed to vessels of all countries, the President by proclamation may suspend the right of free passage through the Saint Marys Falls Canal for vessels owned by subjects of the country imposing the prohibition, tolls, or other burdens and for passengers and cargo being transported to the ports of that country, even when carried in vessels of the United States. The suspension shall apply to the extent and for the time the President considers appropriate.

(c) Imposition of Toll.--(1) During a suspension under this section, the President shall impose a toll of not more than \$2 a ton on cargo and not more than \$5 on each passenger.

(2) Notwithstanding paragraph (1) of this subsection, a toll may not be imposed on passengers or cargo landed at Ogdensburg, New York, or any port west of Ogdensburg and south of a line drawn from the northern boundary of New York through the Saint Lawrence River, the Great Lakes, and their connecting channels to the northern boundary of Minnesota.

(d) Collection of Toll.--(1) A toll imposed under this section shall be collected under regulations prescribed by the Secretary of the Treasury. The Secretary may require the master of a vessel to provide a sworn statement of the amount and kind of cargo, the number of passengers, and the destination of the passengers and cargo.

(2) When applicable, the Secretary also may require satisfactory proof that the passengers and cargo were landed at a port described in subsection (c)(2) of this section. Until that proof is provided, the Secretary may assume the passengers and cargo were not landed at such a port, and the amount of a toll that otherwise would be imposed is a lien enforceable against the vessel when found in the waters of the United States.

CHAPTER 707--WRECKS AND SALVAGE

Sec.

70701. Vessel stranded on foreign coast.

70702. Licenses to conduct salvaging on Florida coast.

70703. Property on Florida coast to be taken to port of entry.

70704. Canadian vessels aiding vessels in United States waters.

70705. International agreement on derelicts.

70706. Salvors of life to share in remuneration.

70707. Salvaging operations by foreign vessels.

Sec. 70701. Vessel stranded on foreign coast

(a) Duties of Consular Officer.--When a vessel of the United States is stranded on a coast of a foreign country, the consular officer in that country shall take proper measures, to the extent the laws of that country allow, to--

(1) save and secure the vessel and cargo on the vessel; and

(2) prepare an inventory of the property that is saved.

(b) Delivery to Owner.--After deducting the expenses, the consular officer shall deliver the property, with an inventory, to the owner of the property.

(c) Limitation on Taking Possession.--A consular officer may not take possession of property under this section when the owner, master, or consignee is present or able to take possession of the property.

Sec. 70702. License to wreckers on Florida coast

(a) General Licensing Requirement.--To be regularly employed in the business of salvaging on the coast of Florida, a vessel and its master each must have a license issued by a judge of the district court of the United States for a judicial district of Florida.

(b) Requirements for Issuing Licenses.--Before issuing a license under this section, the judge must be satisfied, when the license is for--

(1) a vessel, that the vessel is seaworthy and properly equipped for the business of saving property shipwrecked and in distress; and

(2) a master, that the master is trustworthy and innocent of any fraud or misconduct related to property shipwrecked or saved on the coast.

Sec. 70703. Property on Florida coast to be taken to port of entry

(a) General Requirement.--Property taken from a wreck, the sea, or a key or shoal, on the coast of Florida and within the jurisdiction of the United States, shall be brought to a port of entry of the United States.

(b) Seizure and Forfeiture.--A vessel transporting property described in subsection (a) of this section to a foreign port may be seized by, and forfeited to, the United States Government. A forfeiture under this subsection accrues half to the informer half to the Government.

Sec. 70704. Canadian vessels aiding vessels in United States waters

(a) General Authority.--Canadian vessels and wrecking equipment may give aid to Canadian or other vessels and property wrecked, disabled, or in distress in the waters of the United States contiguous to Canada, including--

(1) the canal and improvement of the waters between Lake Erie and Lake Huron; and

(2) the Saint Marys River and Falls Canal.

(b) Reciprocity.--This section does not apply after the President proclaims that the government of Canada has withdrawn the privilege of United States flag vessels to aid vessels of the United States or other vessels wrecked or disabled in Canadian waters contiguous to the United States.

Sec. 70705. International agreement on derelicts

The President may make an international agreement with other governments interested in the navigation of the North Atlantic Ocean, providing for the reporting, marking, and removal of dangerous wrecks, derelicts, and other menaces to navigation outside the coast waters of the countries bordering the North Atlantic Ocean.

Sec. 70706. Salvors of life to share in remuneration

(a) Entitlement of Salvors.--A salvor of human life, who gave aid following an accident giving rise to salvage, is entitled to a fair share of the payment awarded to the salvor for salvaging the vessel or other property or preventing or minimizing damage to the environment.

(b) Common Ownership of Vessels.--The right to remuneration for aid or salvage services is not affected by common ownership of the vessels giving and receiving the aid or salvage services.

(c) Time Limit on Bringing Actions.--A civil action to recover remuneration for giving aid or salvage services must be brought within 2 years after the date the aid or salvage services were given, unless the court in which the action is brought is satisfied that during that 2-year period there had not been a reasonable opportunity to seize the aided or salvaged vessel within the jurisdiction of the court or within the territorial waters of the country of the plaintiff's residence or principal place of business.

(d) Nonapplication.--This section does not apply to a vessel of war or a public vessel of the United States while not engaged in commercial service.

Sec. 70707. Salvaging operations by foreign vessels

The use of a foreign vessel to engage in salvage operations in designated locales in the United States is governed by section 56102 of this title.

CHAPTER 709--ICE AND DERELICTS

Sec.

70901. International agreements.

70902. Patrol services.

70903. Speed of vessel in ice region.

Sec. 70901. International agreements

(a) General Authority.--The President may make agreements with interested maritime countries to--

(1) maintain in the North Atlantic Ocean a service of ice patrol, of study and observation of ice and current conditions, and of assistance to vessels and their crews requiring assistance within the limits of the patrol;

(2) maintain a service of study and observation of ice and current conditions in the waters affecting the set and drift of ice in the North Atlantic Ocean; and

(3) take all practicable steps to ensure the destruction or removal of derelicts in the northern part of the Atlantic Ocean, east of the line drawn from Cape Sable to a point in latitude 34 degrees north, longitude 70 degrees west, if the destruction or removal is necessary.

(b) Payment Between Countries.--The President may include in an agreement under subsection (a) of this section a provision for--

(1) payment to the United States Government by other countries for their proportionate share of the expense of maintaining the services; or

(2) contribution by the Government for its proportionate share if the agreement provides for another country to maintain the services.

Sec. 70902. Patrol services

(a) General Requirements.--Unless the agreements made under section 70901 of this title provide otherwise, an ice patrol shall be maintained during the entire ice season in guarding the southeastern, southern, and southwestern limits of the region of icebergs in the vicinity of the Grand Banks of Newfoundland. The patrol shall inform trans-Atlantic and other passing vessels by radio and other available means of the ice conditions and the extent of the dangerous region. During the ice season, there shall be maintained a service of study of ice and current conditions, a service of providing assistance to vessels and crews requiring assistance, and a service of removing and destroying derelicts. Any of these services may be maintained during the remainder of the year as may be advisable.

(b) Warnings to Vessels.--An ice patrol vessel shall warn any vessel known to be approaching a dangerous area and recommend safe routes.

(c) Recording and Reporting Incidents.--(1) An ice patrol vessel shall record the name of a vessel and the facts of the case when the patrol observes or knows that the vessel--

(A) is on other than a regular recognized or advertised route crossing the North Atlantic Ocean;

(B) has crossed the fishing banks of Newfoundland north of latitude 43 degrees north during the fishing season; or

(C) has passed through regions known or believed to be endangered by ice when proceeding to and from ports of North America.

(2) The name of the vessel and all pertinent information about the incident shall be reported to the government of the nation to which the vessel belongs if that government requests.

(d) Administration.--The head of the department in which the Coast Guard is operating shall carry out the services provided for in this section and shall assign necessary vessels, material, and personnel of the Coast Guard. On request of the head of that department, the head of an agency may detail personnel, lend or contribute material or equipment, or otherwise assist in carrying out the services provided for in this section.

(e) Annual Report.--The head of the department in which the Coast Guard is operating shall publish an annual report of the activities of the services provided for in this section. A copy of the report shall be provided to each interested foreign government and to each agency assisting in the work.

Sec. 70903. Speed of vessel in ice region

(a) General Requirement.--The master of a vessel of the United States, when ice is reported on or near the vessel's course, shall proceed at a moderate speed or change the course of the vessel to go well clear of the danger zone.

(b) Civil Penalty.--A master violating this section is liable to the United States Government for a civil penalty of not more than \$500.

CHAPTER 711--SAFE CONTAINERS FOR INTERNATIONAL CARGO

Sec.

71101. Definitions.

71102. Application of Convention.

71103. General authority of the Secretary of Transportation.

71104. Approval and examination.

71105. Enforcement.

71106. Delegation of authority.

71107. Employee protection.

71108. Amendments to Convention.

71109. Civil penalty.

Sec. 71101. Definitions

In this chapter--

(1) "Convention" means the International Convention for Safe Containers, and its annexes, done at Geneva, Switzerland, December 2, 1972.

(2) "container" has the same meaning given that term in the Convention.

(3) "international transport" means the transportation of a container between--

(A) a place in a foreign country and a place in the jurisdiction of the United States; or

(B) 2 places outside the United States by United States carriers.

(4) "owner" includes the lessee or bailee of a container if a written lease or bailment provides for the lessee or bailee to exercise the owner's responsibility for maintaining and examining the container.

(5) "safety approval plate" has the same meaning given that term in annex I of the Convention.

Sec. 71102. Application of Convention

The Convention applies to an owner of a container used in international transport if the owner is domiciled or has its principal office in the United States.

Sec. 71103. General authority of the Secretary of Transportation

(a) General Requirement.--The Secretary of Transportation shall carry out the Convention and this chapter in the United States.

(b) Regulations.--The Secretary shall prescribe regulations to carry out this chapter. The regulations shall--

(1) establish procedures for testing, inspecting, and initially approving containers and designs for containers, including procedures for attaching, invalidating, and removing safety approval plates for containers;

(2) establish procedures to be followed by the owners of containers for the periodic examination of containers as provided in the Convention; and

(3) provide a method for developing, collecting, and disseminating information about container safety and the international transport of containers.

(c) Safety Approval Plates.--If the owner of a container without a safety approval plate establishes that the container satisfies the standards of the Convention, the Secretary may authorize a safety approval plate to be attached to the container.

(d) Schedule of Fees.--The Secretary may prescribe a schedule of fees for services performed by the Secretary, or by a person delegated authority under section 71106 of this title, for the testing, inspection, and initial approval of containers and container designs.

(e) Encouraging Intermodal Transport.--To the maximum extent possible, the Secretary shall encourage the development and use of intermodal transport, using containers built to facilitate economical, safe, and expeditious handling of containerized cargo without intermediate reloading when it is being transported over land, air, and sea areas.

Sec. 71104. Approval and examination

(a) Domicile and Principal Office in United States.--A container owner domiciled and having its principal office in the United States shall have the container--

(1) approved initially under procedures prescribed by the Secretary of Transportation or by the government of another country that is a party to the Convention; and

(2) examined periodically as provided in the Convention under procedures prescribed by the Secretary.

(b) Domicile or Principal Office in United States.--A container owner domiciled or having its principal office in the United States shall have the container--

(1) approved initially under procedures prescribed by the Secretary or by the government of another country that is a party to the Convention; and

(2) examined periodically as provided in the Convention, under procedures prescribed by the government of the country in which the owner is domiciled or has its principal office, as long as that country is a party to the Convention.

(c) Neither Domicile Nor Principal Office in United States.--A container owner neither domiciled nor having its principal office in the United States or another country that is a party to the Convention may submit a container for initial approval and periodic examination under procedures prescribed by the Secretary.

Sec. 71105. Enforcement

(a) General Authority.--To enforce the Convention, this chapter, and regulations prescribed under this chapter, the Secretary of Transportation may--

(1) examine, or require to be examined, containers in international transport;

(2) approve designs for containers;

(3) inspect and test containers being manufactured;

(4) issue a detention order removing or excluding a container from service until the container owner satisfies the Secretary that the container meets the standards of the Convention, if the container--

(A) does not have a safety approval plate attached to it; or

(B) has a safety approval plate attached but there is significant evidence that the container is in a condition that creates an obvious risk to safety;

(5) take other appropriate action, including issuing necessary orders, to remove a container from service or restrict its use if the container is not in compliance with the Convention, this chapter, or regulations prescribed under this chapter, but does not present an obvious risk to safety; and

(6) allow a container found to be unsafe or without a safety approval plate to be moved to another location for repair or other disposition, under restrictions consistent with the intent of the Convention.

(b) Payment of Expenses.--(1) The owner of a container involved in an action by the Secretary under this section related to an examination of the container shall pay or reimburse the Secretary for the expenses arising from that action, except for the costs of routine examinations of the container or a safety approval plate.

(2) The owner of a container submitted to the procedure established by the Secretary for testing, inspection, and initial approval, and the manufacturer of a container that submits a design to the procedure established by the Secretary for testing, inspection, and initial approval, shall pay or reimburse the Secretary for the expenses arising from the testing, inspection, or approval.

(3) Amounts received by the Secretary as reimbursement shall be credited to the appropriation for operating expenses of the Coast Guard.

(c) Presumption Based on Safety Approval Plate.--A container bearing a safety approval plate authorized by a country that is a party to the Convention is presumed to be in a safe condition unless there is significant evidence that the container is in a condition that creates an obvious risk to safety.

(d) Notice and Effectiveness of Orders.--(1) When the Secretary issues a detention or other order under this section, the Secretary promptly shall notify in writing--

(A) the owner of the container;

(B) the owner's agent; or

(C) if the identity of the owner is not apparent from the container or shipping documents, the custodian.

(2) The notification shall identify the container involved, give the location of the container, and describe the condition or situation giving rise to the order.

(3) An order issued by the Secretary under this section remains in effect until--

(A) the Secretary declares the container to be in compliance with the standards of the Convention; or

(B) the container is removed permanently from service.

(e) Notice of Defective Container to Country Issuing Safety Approval Plate.--If the Secretary has reason to believe that a container bearing a safety approval plate issued by another country was defective at the time of approval, the Secretary shall notify that country.

Sec. 71106. Delegation of authority

(a) General Authority.--The Secretary of Transportation may delegate to any person, including a public or private agency or nonprofit organization, authority to grant initial approval for containers and designs and to attach safety approval plates.

(b) Regulations.--Before making a delegation under this section, the Secretary shall prescribe regulations establishing--

(1) criteria to be followed in selecting a person to whom authority is to be delegated;

(2) a detailed description of the duties and powers to be carried out by the person to whom authority is delegated, including the records the person shall keep; and

(3) the review the Secretary will conduct to decide whether the person is carrying out the delegated duties and powers properly.

(c) Inspection of Records.--A person delegated authority under this section shall make available to the Secretary for inspection on request records the person is required to keep.

(d) Penalties and Orders.--A person delegated authority under this section may not--

(1) assess or collect, or attempt to assess or collect, a penalty for violation of the Convention, this chapter, or an order issued by the Secretary under this chapter; or

(2) issue or attempt to issue a detention or other order.

(e) Publication.--The Secretary shall publish in the Federal Register or other appropriate publication--

- (1) the name and address of each person to whom authority is delegated;
- (2) the duties and powers delegated; and
- (3) the period of the delegation.

(f) Revocation.--The Secretary may revoke a delegation of authority under this section at any time.

Sec. 71107. Employee protection

(a) Prohibition.--A person may not discharge or discriminate against an employee because the employee has reported the existence of an unsafe container or a violation of this chapter or a regulation prescribed under this chapter.

(b) Complaints.--An employee alleging to be the subject of a violation of subsection (a) of this section may file a complaint with the Secretary of Labor. The complaint must be filed within 60 days after the violation.

(c) Enforcement.--The Secretary may investigate the complaint. If the Secretary finds there has been a violation, the Secretary may bring a civil action in a district court of the United States. The court has jurisdiction to restrain violations of subsection (a) of this section and order appropriate relief, including reinstatement of the employee to the employee's former position with back pay.

(d) Notice to Complainant.--Within 30 days after receiving a complaint under this section, the Secretary shall notify the complainant of the Secretary's intended action on the complaint.

Sec. 71108. Amendments to Convention

(a) Proposals by United States Government.--With the concurrence of the Secretary of Transportation, the Secretary of State may propose amendments to the Convention or request a conference for amending the Convention as provided in article IX of the Convention.

(b) Proposals by Other Countries.--An amendment communicated to the United States Government under article IX(2) of the Convention may be accepted for the Government by the President, with the advice and consent of the Senate. The President may declare that the Government does not accept an amendment.

(c) Amendments to Annexes.--(1) With the concurrence of the Secretary of Transportation, the Secretary of State--

- (A) may propose amendments to the annexes to the Convention;

(B) may propose a conference for amending annexes to the Convention;
and

(C) shall consider and act on amendments to the annexes to the Convention adopted by the Maritime Safety Committee of the International Maritime Organization and communicated to the Government under article X(2) of the Convention.

(2) If a proposed amendment to an annex is approved by the Government, the amendment shall enter into force as provided in article X of the Convention. If a proposed amendment is objected to, the Secretary of State promptly shall communicate the objection as provided in article X(3) of the Convention.

(d) Appointment of Arbitrator.--With the concurrence of the Secretary of Transportation, the Secretary of State shall appoint an arbitrator when one is required to resolve a dispute within the meaning of article XIII of the Convention.

Sec. 71109. Civil penalty

(a) General.--An owner, agent, or custodian that has been notified of an order issued by the Secretary of Transportation under section 71105 of this title, and fails to take reasonable and prompt action to prevent or stop a container subject to that order from being moved in violation of that order, is liable to the United States Government for a civil penalty of not more than \$5,000 for each container moved. Each day of a continuing violation is a separate violation.

(b) Assessment and Collection.--(1) After notice and an opportunity for a hearing, the Secretary shall assess and collect any penalty under this section.

(2) In determining the amount of the penalty, the Secretary shall consider the gravity of the violation, the hazards involved, and the record of the person charged with respect to violations of the Convention, this chapter, or regulations prescribed under this chapter.

(3) The Secretary may remit, mitigate, or compromise a penalty under this section.

(4) If a person fails to pay a penalty under this section, the Secretary shall refer the matter to the Attorney General for collection in an appropriate district court of the United States.

CHAPTER 713--MARITIME SECURITY

Sec.

71301. Definitions.

71302. International measures for seaport and vessel security.

- 71303. Security standards at foreign ports.
- 71304. Travel advisories on security at foreign ports.
- 71305. Suspension of passenger services.

Sec. 71301. Definitions

In this chapter--

- (1) "common carrier" has the meaning given that term in section 40102 of this title.
- (2) "passenger vessel" has the meaning given that term in section 2101 of this title.

Sec. 71302. International measures for seaport and vessel security

Congress encourages the President to continue to seek agreement on international seaport and vessel security through the International Maritime Organization. In developing an agreement, each member country of the International Maritime Organization should consult with appropriate private sector interests in that country. The agreement would establish seaport and vessel security measures and could include--

- (1) seaport screening of cargo and baggage similar to that done at airports;
- (2) security measures to restrict access to vessels, property on the vessel, and dockside property to authorized personnel only;
- (3) additional security on vessels;
- (4) licensing or certification of compliance with appropriate security standards; and
- (5) other appropriate measures to prevent unlawful acts against passengers and crews on vessels.

Sec. 71303. Security standards at foreign ports

(a) General Requirements.--The Secretary of Transportation shall develop and implement a plan to assess the effectiveness of the security measures maintained at foreign ports that the Secretary, in consultation with the Secretary of State, decides pose a high risk of acts of terrorism against passenger vessels. In carrying out this subsection, the Secretary of Transportation shall consult with the Secretary of State about the terrorist threat that exists in each country and poses a high risk of acts of terrorism against passenger vessels.

(b) Notice and Recommendations to Other Countries.--If the Secretary of Transportation, after implementing the plan under subsection (a) of this section, decides that a port does not maintain and carry out effective security measures, the Secretary of State (after being informed by the Secretary of Transportation) shall--

(1) notify the appropriate government authorities of the country in which the port is located of the decision; and

(2) recommend steps necessary to bring the security measures at that port up to the standard used by the Secretary of Transportation in making the assessment under subsection (a) of this section.

(c) Antiterrorism Assistance.--The President is encouraged to provide antiterrorism assistance related to maritime security under chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.) to foreign countries, especially for a port that the Secretary of Transportation decides under subsection (b) of this section does not maintain and carry out effective security measures.

Sec. 71304. Travel advisories on security at foreign ports

(a) General Requirements.--On being notified by the Secretary of Transportation that the Secretary has decided that a condition exists that threatens the safety or security of passengers, passenger vessels, or crew traveling to or from a foreign port that the Secretary has decided under section 71303(b) of this title does not maintain and carry out effective security measures, the Secretary of State immediately shall issue a travel advisory for that port. The Secretary of State shall take the necessary steps to widely publicize the travel advisory.

(b) Lifting Advisories.--A travel advisory issued under subsection (a) of this section may be lifted only if the Secretary of Transportation, in consultation with the Secretary of State, has decided that effective security measures are maintained and carried out at the port.

(c) Notice to Congress.--The Secretary of State shall notify Congress immediately of any change in the status of a travel advisory issued under this section.

Sec. 71305. Suspension of passenger services

(a) General Authority.--When the President decides that a foreign country permits the use of territory under its jurisdiction as a base of operations or training for, or as a sanctuary for, or arms, aids, or abets, a terrorist or terrorist group that knowingly uses the illegal seizure of passenger vessels or the threat of such a seizure as an instrument of policy, the President may suspend the right of any common carrier to operate a passenger vessel to or from, and the right of any passenger vessel of the United States to use, a port in that foreign country for passenger service. The suspension may be without notice or

hearing and for as long as the President decides is necessary to ensure the security of passenger vessels against unlawful seizure.

(b) Prohibition.--A passenger vessel of a common carrier or a passenger vessel of the United States may not operate in violation of a suspension under this section.

(c) Penalties.--(1) If a person operates a vessel in violation of this section, the head of the department in which the Coast Guard is operating may deny the vessels of that person entry to ports of the United States.

(2) A person violating this section is liable to the United States Government for a civil penalty of not more than \$50,000. Each day a vessel uses a prohibited port is a separate violation.

CHAPTER 715--MARITIME DRUG LAW ENFORCEMENT

Sec.

71501. Findings and declarations.

71502. Definitions.

71503. Manufacture, distribution, or possession of controlled substances on vessels.

71504. Jurisdiction and venue.

71505. Failure to comply with international law.

71506. Penalties.

71507. Forfeitures.

Sec. 71501. Findings and declarations

Congress finds and declares that trafficking in controlled substances on vessels--

(1) is a serious international problem;

(2) is universally condemned; and

(3) presents a specific threat to the security and societal well-being of the United States.

Sec. 71502. Definitions

(a) Application of Other Definitions.--The definitions in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) apply to this chapter.

(b) Vessel of the United States.--In this chapter, "vessel of the United States" means--

(1) a vessel of the United States (as defined in section 116 of this title);

(2) a vessel owned in any part by an individual who is a citizen of the United States, the United States Government, the government of a State or political subdivision of a State, or a corporation incorporated under the laws of the United States or of a State, unless--

(A) the vessel is granted the nationality of a foreign nation under article 5 of the 1958 Convention on the High Seas; and

(B) the master or individual in charge of the vessel at the time of the enforcement action makes a claim of nationality or registry for the vessel at the time of the enforcement action by an officer or employee of the Government who is authorized to enforce applicable provisions of United States law; and

(3) a vessel that once was documented under the laws of the United States and, in violation of the laws of the United States, was sold to a person not a citizen of the United States, placed under foreign registry, or operated under the flag of a foreign nation, whether or not granted the nationality of a foreign nation.

(c) Vessel Subject to the Jurisdiction of the United States.--(1) In this chapter, "vessel subject to the jurisdiction of the United States" includes--

(A) a vessel without nationality;

(B) a vessel assimilated to a vessel without nationality under paragraph (2) of article 6 of the 1958 Convention on the High Seas;

(C) a vessel registered in a foreign nation whose government consents or waives objection to the enforcement of United States law by the Government;

(D) a vessel in the customs waters of the United States; and

(E) a vessel in the territorial waters of a foreign nation whose government consents to the enforcement of United States law by the Government.

(2) Consent or waiver of objection by the government of a foreign nation to the enforcement of United States law by the Government under paragraph (1)(C) or (E) of this subsection--

(A) may be obtained by radio, telephone, or similar oral or electronic means; and

(B) is proved conclusively by certification of the Secretary of State or the Secretary's designee.

(d) Vessel Without Nationality.--(1) In this chapter, "vessel without nationality" includes--

(A) a vessel aboard which the master or individual in charge makes a claim of registry that is denied by the government of the nation whose registry is claimed;

(B) a vessel aboard which the master or individual in charge fails, on request of an officer of the United States authorized to enforce applicable provisions of United States law, to make a claim of nationality or registry for that vessel; and

(C) a vessel aboard which the master or individual in charge makes a claim of registry and the government of the nation of claimed registry does not affirmatively and unequivocally assert that the vessel is of its nationality.

(2) A claim of registry under paragraph (1)(A) or (C) of this subsection may be verified or denied by radio, telephone, or similar oral or electronic means. The denial of a claim is proved conclusively by certification of the Secretary of State or the Secretary's designee.

(e) Claims of Nationality or Registry.--A claim of nationality or registry under this section includes only--

(1) possession on board the vessel and production of documents showing the vessel's nationality as provided in article 5 of the 1958 Convention on the High Seas;

(2) flying its flag nation's ensign or flag; or

(3) a verbal claim of nationality or registry by the master or individual in charge of the vessel.

Sec. 71503. Manufacture, distribution, or possession of controlled substances on vessels

(a) Prohibitions.--(1) An individual may not knowingly or intentionally manufacture or distribute, or possess with intent to manufacture or distribute, a controlled substance on board--

(A) a vessel of the United States or a vessel subject to the jurisdiction of the United States; or

(B) any vessel if the individual is a citizen of the United States or a resident alien of the United States.

(2) This subsection applies even though the act is committed outside the territorial jurisdiction of the United States.

(b) Nonapplication.--(1) Subject to paragraph (2) of this subsection, subsection (a) of this section does not apply to--

(A) a common or contract carrier or an employee of the carrier who possesses or distributes a controlled substance in the lawful and usual course of the carrier's business; or

(B) a public vessel of the United States or an individual on the vessel who possesses or distributes a controlled substance in the lawful course of the individual's duties.

(2) Paragraph (1) of this subsection applies only if the controlled substance is part of the cargo entered in the vessel's manifest and is intended to be imported lawfully into the country of destination for scientific, medical, or other lawful purposes.

(3) The United States Government is not required to deny a defense described in paragraph (1) of this subsection in a complaint, information, indictment, or other pleading, or to disprove the defense in any proceeding. The burden of going forward with the evidence supporting the defense is on the person claiming its benefit.

Sec. 71504. Jurisdiction and venue

(a) Jurisdiction.--Jurisdiction of the United States Government with respect to a vessel subject to this chapter is not an element of an offense. Jurisdictional issues arising under this chapter are preliminary questions of law to be determined solely by the trial judge.

(b) Venue.--A person violating section 71503 of this title shall be tried in the district court of the United States for--

(1) the district at which the person enters the United States; or

(2) the District of Columbia.

Sec. 71505. Failure to comply with international law

A person charged with violating this chapter does not have standing to raise a claim of failure to comply with international law as a basis for a defense. A claim of failure to comply with international law in the enforcement of this chapter may be made only by the government of a foreign country. A failure to comply with international law does not divest a court of jurisdiction and is not a defense to a proceeding under this chapter.

Sec. 71506. Penalties

(a) Violations.--A person violating section 71503 of this title shall be punished as provided in section 1010 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 960). However, if the offense is a 2d or subsequent offense as provided in section 1012(b) of that Act (21 U.S.C. 962(b)), the person shall be punished as provided in section 1012 of that Act (21 U.S.C. 962).

(b) Attempts and Conspiracies.--A person attempting or conspiring to violate section 71503 of this title is subject to the same penalties as provided for violating section 71503.

Sec. 71507. Forfeitures

Property described in section 511(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 881(a)) that is used or intended for use to commit, or to facilitate the commission of, an offense under section 71503 of this title may be seized by, and forfeited to, the United States Government in the same way that similar property may be seized and forfeited under section 511 of that Act (21 U.S.C. 881).

SEC. 6. ADDITIONAL AMENDMENTS TO TITLE 46.

Title 46, United States Code, is amended as follows:

(1) Section 2101 is amended as follows:

(A) Clauses (2), (3), (3a), (6), (10), (10a), (12), (17b), (36), (41), (44), (45), and (46) are repealed.

(B) In clause (18), strike "those".

(2) In section 2102--

(A) in subsection (a)(2), strike "section 2101(36) and (44)" and substitute "sections 112 and 114"; and

(B) in subsection (b), strike "West" and "East" and substitute "west" and "east", respectively.

(3) In section 2106, strike "a district court of the United States" and substitute "the district court of the United States for any district".

(3a) Section 2108 is repealed.

(4) In sections 2110(f), 3205(d), 3718(e), and 5113(b), strike "section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91)" and substitute "section 70104 of this title".

(5)(A) The analysis of chapter 21 is amended by adding after item 2115 the following new item:

"2116. Sailing school instructors and students."

(B) At the end of chapter 21, add the following new section:

"Sec. 2116. Sailing school instructors and students

"Sailing school instructors and sailing school students are deemed not to be seamen under--

"(1) parts B, F, and G of this subtitle; and

"(2) the maritime law doctrines of maintenance and cure and warranty of seaworthiness."

(6) In section 2301, strike "section" and substitute "sections 2304 and".

(7) In section 2304(a), add at the end the following: "This subsection does not apply to a vessel of war or a vessel owned by the United States Government appropriated only to a public service."

(8) In section 2306(a)(2), strike "section 212(A) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1122a)," and substitute "section 57108 of this title".

(9) In section 3302(j)(2)(B), strike "section 1304 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c)" and substitute "chapter 515 of this title".

(10) In section 3306(d), strike "section 1302(3) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295a(3))" and substitute "section 51102(3) of this title".

(11) In section 3703a--

(A) in subsection (b)(6), strike "pursuant to section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744)" and substitute "under section 59701 of this title"; and

(B) in subsection (c)(1)(C), strike "4136 of the Revised Statutes of the United States (46 App. U.S.C. 14)" and substitute "12107 of this title".

(12) In section 3704, strike "under section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883)" and substitute "under chapter 561 of this title".

(13)(A) Item 3902 in the analysis of chapter 39 is amended to read as follows:

"3902. Export of horses."

(B) Section 3901 is amended by-

(i) inserting "(a) Regulations.--" at the beginning of the text; and

(ii) adding at the end the following new subsection:

"(b) Prohibitions.--When the owner, charterer, managing operator, agent, master, or individual in charge of a vessel carrying animals referred to in this section willfully violates, or causes or permits to be violated, a regulation prescribed under this section, the vessel may be prohibited from carrying any such animals from the United States for a period (but not more than one year) that the Secretary of Agriculture directs. The vessel may not be cleared from a port of the United States during that period."

(C) Section 3902 is amended to read as follows:

"Sec. 3902. Export of horses

"(a) Waiver Requirement.--A horse may be exported by sea from the United States only if it is part of a consignment of horses for which a waiver has been granted under subsection (b) of this section.

"(b) Granting Waivers.--The Secretary of Commerce, in consultation with the Secretary of Agriculture, may prescribe regulations providing for the granting of a waiver to allow the export by sea of a specified consignment of horses, if the Secretary of Commerce, in consultation with the Secretary of Agriculture, decides that no horse in that consignment is being exported for slaughter.

"(c) Penalties.--(1) A person knowingly violating this section or a regulation, order, or license under this section shall be fined not more than the amount specified in title 18 or 5 times the value of the consignment of horses involved, whichever is greater, or imprisoned for not more than 5 years, or both.

"(2) After providing notice and an opportunity for a hearing on the record, the Secretary of Commerce may impose a civil penalty of not more than \$10,000 for each violation of this section or a regulation, order, or license under this section."

(14) In section 8101(g), strike the last sentence and substitute "A separate violation occurs for each day the violation continues."

(15) In section 9302(e), strike "enrolled vessels of the United States" and substitute "documented vessels".

(16) In section 10601(a), strike "employed" and substitute "employed".

(17) Section 11101 is amended as follows:

(A) In subsection (a) before clause (1), insert "sailing school vessel," after "pilot vessel,".

(B) In subsection (b), insert "(except a sailing school vessel)" after "merchant vessel of the United States".

(18) In section 12307--

(A) insert the subsection designation "(a)" at the beginning of the text of the section; and

(B) add at the end the following new subsection:

"(b) The issuing authority shall require an applicant for numbering to provide--

"(1) if the applicant is an individual--

"(A) the individual's social security account number; or

"(B) if that number is not available, other means of identification acceptable to the Secretary; or

"(2) if the applicant is an entity--

"(A) the entity's taxpayer identifying number; or

"(B) if the entity does not have a taxpayer identifying number, the social security account number of an individual who is a corporate officer, general partner, or individual trustee of the entity and who signs the application.".

(19) In section 12501--

(A) in subsection (a), strike "relating to" and all that follows through the period and substitute "related to the ownership of vessels of the United States."; and

(B) in subsection (b), strike clause (2) and substitute the following:

"(2) identifying the owner of the vessel, including--

"(A) if the owner is an individual--

"(i) the individual's social security account number; or

"(ii) if that number is not available, other means of identification acceptable to the Secretary; or

"(B) if the owner is an entity--

"(i) the entity's taxpayer identifying number; or

"(ii) if the entity does not have a taxpayer identifying number, the social security account number of an individual who is a corporate officer, general partner, or individual trustee of the entity and who signed the application for documentation or numbering."

(20) In section 12503(a)--

(A) before clause (1), strike "delegee" and substitute "delegate";
and

(B) strike clause (2) and substitute the following:

"(2) identifies the owner of the vessel, including--

"(A) if the owner is an individual--

"(i) the individual's social security account number; or

"(ii) if that number is not available, other means of identification acceptable to the Secretary; or

"(B) if the owner is an entity--

"(i) the entity's taxpayer identifying number; or

"(ii) if the entity does not have a taxpayer identifying number, the social security account number of an individual who is a corporate officer, general partner, or individual trustee of the entity and who signed the application for documentation or numbering."

(21) In section 13102(a), insert "(26 U.S.C. 9504)" after "Internal Revenue Code of 1986".

(22) In section 14305(a)--

(A) in clause (1), strike "and sections 12106(c) and 12108(c)" and substitute "of this subtitle and section 12118";

(B) in clause (5), strike "section 4283 of the Revised Statutes of the United States (46 App. U.S.C. 183)" and substitute "sections 30505-30510 of this title";

(C) in clause (6), strike "sections 27 and 27A of the Act of June 5, 1920 (46 App. U.S.C. 883 and 883-1)" and substitute "section 12113 and chapter 561 of this title"; and

(D) strike clause (7).

(23) In section 31301--

(A) strike the semicolon at the end of clauses (1)--(4) and substitute a period at the end of each of those clauses; and

(B) strike "; and" at the end of clause (5) and substitute a period.

(24) In section 31306(a), strike "section 9 or 37 of the Shipping Act, 1916 (46 App. U.S.C. 808, 835)" and substitute "section 57102 or 57103 of this title".

(25) In section 31308, strike "title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.)" and substitute "part D of subtitle V of this title".

(26) In section 31322 (as in effect on April 1, 2003)--

(A) in subsection (a)(4)(A), strike "section 12102(c)" and substitute "the criteria specified by section 171(c)";

(B) in subsection (a)(4)(E), strike "12102(a)" and substitute "12103(a)"; and

(C) in subsection (f)(2), strike "section 12102(c)" and substitute "the criteria specified by section 171(c)".

(27) In section 31329--

(A) in subsection (a)(1), strike "a person eligible to own a documented vessel under section 12102 of this title" and substitute "a citizen of the United States";

(B) in subsection (b)--

(i) before clause (1), strike "not eligible to own a documented vessel" and substitute "not a citizen of the United States";

(ii) in clause (2), strike "section 902 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1242)" and substitute "chapter 573 of this title"; and

(iii) in clause (3), strike "a sale foreign within the terms of the first proviso of section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883)" and substitute "a sale to a person not a citizen of the United States under section 12132(1) of this title"; and

(C) in subsection (d), strike "The vessel may be operated by the mortgagee not eligible to own a documented vessel" and substitute "A mortgagee not a citizen of the United States may operate the vessel".

SEC. 7. CONFORMING AMENDMENTS TO OTHER LAWS.

(a) Title 10, United States Code, is amended as follows:

(1) In section 2218--

(A) in subsections (c)(1)(E), (i), and (l)(3)(B), strike "section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744)" and substitute "section 59701 of title 46"; and

(B) in subsection (d)(2), strike "sections 508 and 510 of the Merchant Marine Act of 1936 (46 App. U.S.C. 1158, 1160)" and substitute "chapter 593 and section 59705 of title 46".

(2) In section 2350b(g)--

(A) before clause (1), after "authorizing", insert "the Secretary of Defense";

(B) in clause (1), strike "the Secretary of Defense"; and

(C) in clause (2), strike "section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b))" and substitute "subchapter I of chapter 563 of title 46".

(4) In section 2645--

(A) in subsection (c), strike "the second sentence of section 1208(a) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1288(a))" and substitute "section 58108(b) of title 46";

(B) in subsections (g) and (h)(1), strike "title XII of the Merchant Marine Act, 1936 (46 U.S.C. App. 1281 et seq.)" and substitute "chapter 581 of title 46"; and

(C) in subsection (h)(2), strike "the insurance fund referred to in the first sentence of section 1208(a) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1288(a))" and substitute "the war risk insurance revolving fund established under section 58108 of title 46".

(5) In section 2664(a)(3), strike "transferred to the Secretary of Transportation under section 3 of the Maritime Act of 1981 (46 U.S.C. App. 1602)" and substitute "of the Secretary of Transportation under subtitle V of title 46 and section 109 of title 49".

(6) In section 5985, strike "section 1304 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295c)," and substitute "chapter 515 of title 46".

(b) Title 11, United States Code, is amended as follows:

(1) In section 362(b)(12) and (13), strike "section 207 or title XI of the Merchant Marine Act, 1936" and substitute--

(A) in clause (12), "part D of subtitle V of title 46 and section 109 of title 49"; and

(B) in clause (13), "part D of subtitle V of title 46".

(2) In section 1110(a)(3)(A)(ii), strike "section 30101(1)" and substitute "section 106".

(c) Title 14, United States Code, is amended as follows:

(1) In section 821(b), strike paragraphs (3)-(6) and substitute the following:

"(3) Chapters 307, 309, and 311 of title 46.

"(4) Other matters related to noncontractual civil liability."

(2) In section 823a(b)--

(A) redesignate paragraphs (6), (7), and (8) as paragraphs (4), (5), and (6), respectively; and

(B) strike paragraphs (3)-(5) and substitute the following:

"(3) Chapters 307, 309, and 311 of title 46."

(d) Title 18, United States Code, is amended as follows:

(1) In section 229F(9)(C), strike "as such term is defined in section 3(b) of the Maritime Drug Enforcement Act, as amended (46 App. U.S.C. 1903(b))" and substitute "as defined in section 71502(b) of title 46".

(2) In section 507--

(A) in the first paragraph, strike "recording, registry, or enrollment of any vessel, in the office of any collector of the customs, or a license to any vessel for carrying on the coasting trade or fisheries of the United States" and substitute "documentation of a vessel";

(B) in the first paragraph, strike "collector or other"; and

(C) in the 2d paragraph, strike "license,".

(3) In section 924--

(A) in subsections (c)(2), (e)(2)(A)(i), and (k)(1), strike "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)" and substitute "chapter 715 of title 46"; and

(B) in subsection (g)(2)--

(i) strike "802 et seq." and substitute "801 et seq."; and

(ii) strike "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)" and substitute "chapter 715 of title 46".

(4) In section 929(a)(2), strike "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)" and substitute "chapter 715 of title 46".

(5) In section 965(a), strike "section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91)" and substitute "section 70104 of title 46".

(6) In section 2277(a), strike "registered, enrolled, or licensed under the laws of the United States, or any vessel purchased, requisitioned, chartered, or taken over by the United States pursuant to the provisions of Act June 6, 1941, ch. 174, 55 Stat. 242, as amended" and substitute "documented under chapter 121 of title 46, or any vessel whose ownership or use was acquired by the United States under chapter 573 of title 46".

(7) In section 3142(e) and (f)(1)(C), strike "the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)" and substitute "chapter 715 of title 46".

(e)(1) Section 2793 of the Revised Statutes (19 U.S.C. 288, 46 App. U.S.C. 111, 123) is amended by striking "or tonnage tax,".

(2) Section 3 of the Anti-Smuggling Act (19 U.S.C. 1703) is amended by adding at the end the following new subsection:

"(d) When a vessel that is documented, or entitled to be documented and not so documented, is used to defraud the revenue of the United States, or is found with merchandise of foreign growth or manufacture (except sea stores) or taxable domestic distilled spirits, wines, or other alcoholic liquors, on which the duties or taxes have not been paid or secured to be paid, the vessel and its cargo shall be seized and forfeited. Marks, labels, brands, or stamps, indicative of foreign origin, on or accompanying merchandise or containers of merchandise found on a vessel, are prima facie evidence of the foreign origin of the merchandise."

(f) The Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.) is amended as follows:

(1) In section 56(c)(2)--

(A) strike "section 607 of the Merchant Marine Act, 1936 (46 U.S.C. 1177)" and substitute "chapter 553 of title 46, United States Code"; and

(B) strike "such section 607" wherever it appears and substitute "that chapter 553".

(2) In section 139(a)(4), strike "section 607(d) of the Merchant Marine Act, 1936 (46 U.S.C. 1177)" and substitute "section 55307 of title 46, United States Code".

(3) In section 543(a)(1)(B), strike "section 511 or 607 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1161 or 1177)" and substitute "chapter 551 or 553 of title 46, United States Code".

(4) In section 1023(2), strike "section 511 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1161)" and substitute "chapter 551 of title 46, United States Code".

(5) In section 1061--

(A) in clause (1), strike "section 510 of the Merchant Marine Act, 1936, see subsection (e) of that section, as amended August 4, 1939 (46 U.S.C. App. 1160)" and substitute "chapter 593 and section 59706 of title 46, United States Code, see sections 59307 and 59706 of title 46";

(B) in clause (2), strike "section 511 of such Act, as amended (46 U.S.C. App. 1161)" and substitute "chapter 551 of title 46, United States Code"; and

(C) strike clause (3).

(6) In section 7518--

(A) in subsection (a)(1), strike "section 607 of the Merchant Marine Act, 1936 (hereinafter in this section referred to as a `capital construction fund'))" and substitute "chapter 553 of title 46, United States Code (hereinafter in this section referred to as a `capital construction fund'),";

(B) in subsections (a)(2) and (c)(1)(A) and (D), strike "section 607 of the Merchant Marine Act, 1936" and substitute "chapter 553 of title 46, United States Code"; and

(C) in subsection (g)(3)(C)(iii), strike "Merchant Marine Act of 1936" and substitute "Merchant Marine Act, 1936,".

(g) Title 28, United States Code, is amended as follows:

(1) In section 994(h)(1)(B) and (2)(B), strike "Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)" and substitute "chapter 715 of title 46".

(2) Section 2342(3)(A) and (B) is amended to read as follows:

"(A) the Secretary of Transportation issued under--

"(i) chapter 571 of title 46; or

"(ii) Part B or C of Subtitle IV of title 49; and

"(B) the Federal Maritime Commission issued under section 305 or 44106 or chapter 411 or 423 of title 46;".

(h) The Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 (Public Law 100--239, 101 Stat. 1778) is amended as follows:

(1) In section 4--

(A) in subsection (a), strike "section 12108(a)(2) and (3)" and "fishery license" and substitute "section 12115(a)(2) and (3)" and "certificate of documentation with a fishery endorsement", respectively;

(B) in subsection (c)(1)--

(i) strike "fishery license or registry" and substitute "fishery endorsement"; and

(ii) strike "be endorsed to"; and

(C) in subsection (c)(2), strike "fishery license" and substitute "fishery endorsement".

(2) In section 7(b), the matter before clause (1) is amended to read as follows:

"(b) A vessel owned by a corporation may be issued a certificate of documentation with a fishery endorsement under chapter 121 of title 46, United States Code, even though the controlling interest in the corporation is not owned by citizens of the United States, if the vessel, before July 28, 1987--".

(i)(1) Section 4380 of the Revised Statutes (46 App. U.S.C. 328) is amended by striking "this Title" and substituting "section 4332, 4362, 4363, 4364, 4365, 4367, 4368, or 4369".

(2) The Act of April 18, 1874 (46 App. U.S.C. 336), is amended to read as follows:

"That a vessel is exempt from customs and other fees under a law of the United States when engaged on the internal waters of a State, unless--

"(1) equipped with sails or propelling machinery adapted to lake or coastwise navigation; or

"(2) engaged in commerce with Canada."

(j) Title 49, United States Code, is amended as follows:

(1) Section 109 is amended to read as follows:

"Sec. 109. Maritime Administration

"(a) Organization.--The Maritime Administration is an administration in the Department of Transportation.

"(b) Maritime Administrator.--The head of the Administration is the Maritime Administrator, who is appointed by the President by and with the advice and consent of the Senate. The Administrator reports directly to the Secretary of Transportation. The Administrator shall carry out duties and powers prescribed by the Secretary.

"(c) Deputy Maritime Administrator.--The Administration has a Deputy Maritime Administrator, who is appointed in the competitive service by the Secretary, after consultation with the Administrator. The Deputy Administrator shall be Acting Administrator during the absence or disability of the Administrator and, unless the Secretary designates another individual, when the office of Administrator is vacant. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

"(d) Duties and powers vested in the Secretary.--All duties and powers of the Maritime Administration are vested in the Secretary.

"(e) Regional offices--

"(1) Organization.--The Secretary--

"(A) shall have regional offices of the Maritime Administration for the Atlantic, Gulf, Great Lakes, and Pacific port ranges; and

"(B) may have other regional offices of the Administration as necessary.

"(2) Directors.--The Secretary shall appoint a qualified individual as Director for each regional office.

"(3) Activities.--The Secretary shall carry out appropriate activities and programs of the Administration through the regional offices.

"(f) Interagency and industry relations.--To secure preference to vessels of the United States for the transportation of commodities, the Secretary shall establish and maintain liaison with other agencies, and with representative trade organizations

throughout the United States, that are concerned with the transportation of commodities by water in the export and import foreign commerce of the United States.

"(g) Contracts and audits--

"(1) Contracts.--In the same manner that a private corporation may make a contract within the scope of its authority under its charter, the Secretary may make contracts for the United States Government and disburse amounts to--

"(A) carry out the Secretary's duties and powers under this chapter and subtitle V of this title; and

"(B) protect, preserve, and improve collateral held by the Secretary to secure indebtedness.

"(2) Audits.--The financial transactions of the Secretary under paragraph (1) shall be audited by the Comptroller General. The Comptroller General shall allow credit for an expenditure shown to be necessary because of the nature of the business activities authorized by this section or subtitle V of this title 46. At least once a year, the Comptroller General shall report to Congress any departure by the Secretary from this section or subtitle V.

"(h) Authorization of appropriations--

"(1) General.--Except as otherwise provided in this section, necessary amounts are authorized to be appropriated to carry out duties and powers of the Secretary relating to maritime administration.

"(2) Limitations.--Only those amounts specifically authorized by law may be appropriated for the use of the Maritime Administration for--

"(A) acquisition, construction, or reconstruction of vessels;

"(B) construction-differential subsidies incident to the construction, reconstruction, or reconditioning of vessels;

"(C) costs of national defense features;

"(D) payments of obligations incurred for operating-differential subsidies;

"(E) expenses necessary for research and development activities, including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental vessel operations;

"(F) the Vessel Operations Revolving Fund;

"(G) National Defense Reserve Fleet expenses;

"(H) expenses necessary to carry out part B of subtitle V of title 46; and

"(I) other operations and training expenses relating to the development of waterborne transportation systems, the use of waterborne transportation systems, and general administration.

"(3) Training Vessels.--Amounts may not be appropriated to purchase or construct a training vessel for State maritime academies unless the Secretary has approved a plan for sharing training vessels between State maritime academies."

(2) In section 5122(c)(1), strike "section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91)" and substitute "section 70104 of title 46".

SEC. 8. LEGISLATIVE PURPOSE AND CONSTRUCTION.

(a)(1) Sections 2 through 5 of this Act revise, codify, and enact, without substantive change, laws enacted on or before January 1, 2002, that are replaced by this Act, in order to remove ambiguities, contradictions, and other imperfections and to repeal obsolete, superfluous, and superseded provisions. Those sections make no substantive change in existing law and may not be construed as making a substantive change in existing law.

(2) For purposes of determining whether one provision of law supersedes another based on enactment later in time, and otherwise to ensure that this Act makes no substantive change in existing law, the date of enactment of a provision restated in sections 2 through 5 of this Act is deemed to remain unchanged, continuing to be the date of enactment of the underlying provision of public law that is being restated.

(3) This Act restates certain laws enacted before January 1, 2002. Any law enacted after December 31, 2001, that is inconsistent with this Act, including any law purporting to amend or repeal a provision that is repealed by this Act, supersedes this Act to the extent of the inconsistency.

(b) A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) An order, rule, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) An action taken or an offense committed under a law replaced by this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a caption or catch line of the provision.

(f) If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

SEC. 9. REPEALS.

(a) The repeal of a law by this Act may not be construed as a legislative implication that the provision was or was not in effect before its repeal.

(b) Except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act, the laws restated in this Act are hereby repealed.

(c) The Reorganization Plans specified in the following schedule are repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun under them before the date of enactment of this Act:

| YEAR | Plan No. | Statutes at Large |
|------|----------|-------------------|
| 1949 | 6 | 63 Stat. 1069 |
| 1950 | 21 | 64 Stat. 1276 |
| 1961 | 7 | 75 Stat. 849 |